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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,349	03/12/2004	Xiangrong Liu	030807-144	5616
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EXAMINER WEINSTEIN, STEVEN L.				
ART UNIT 1794		PAPER NUMBER		
NOTIFICATION DATE 04/21/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary

Application No.

10/798,349

Applicant(s)

LIU ET AL.

Examiner

Steven L. Weinstein

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-7, 9, 10, 13-20 and 23-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-7, 9, 10, 13-20 and 23-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-7,9,10,13-20, and 23-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hankinson et al (2003/0198716), in view of Martin et al (5,912,034), or vice versa, i.e., Martin et al in view of Hankinson et al, further in view of Shenouda et al (4,814,193), Alderton (3,328,178), Creston Valley Foods (GB 1510883), and Allen (1,098,006), further in view of Martin et al (6,500,476), Beelman et al (5,919,507), Beelman et al (2003/0170354), Sapers et al (4,814,192), Farrier et al (4,011,348), and Reyes (6,159,512), essentially for the reasons of record in the Office actions mailed 2/13/07 and 9/28/07.

Claim 1 now recites that the pH adjusting agent is citric acid. Although Hankinson et al appears to be silent in regard to the pH adjusting agent, as noted previously, Martin et al can be relied on to teach the conventionality of the acidulant. In particular, Martin et al can be relied on to teach that citric acid is, of course, a notoriously conventional food acidulant, and to modify Hankinson and employ citric acid for its art recognized and applicants intended function would have been obvious. Claim 1 also now recite a further limitation in the treatment time for the first solution and adds a treatment time for the second solution. As noted previously, since the art taken as a whole disclose both steps for their art recognized and applicants intended function, thus

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teaching both applicants problem and solution, the specific time for the pH lowering step to produce an antibacterial effect and the specific time for the second neutralizing solution which neutralises the acid pH and inhibits enzymatic reaction would have been an obvious optimization/result effective variable, routinely and obviously determinable. As with any additive process, there is a minimum time (and amount) which would be required to achieve minimally acceptable results and a time (and amount) which either does not produce enough of a further increase in results to warrant the extension of the variable or in fact creates a less desirable, negative effect (which could be economic reasons of time or quantity of additive) or just plain results that are less acceptable. Note, e.g., the art recognizes the problem of pH shock. Finally, claim 1 now recites that the mushrooms are continuously transported through the first and second treatment area. It appears that Hankinson et al discloses a continuous process. In any case, to make any batch process continuous would have been obvious.

Applicants remarks filed 1/28/08 have been fully and carefully considered but are not found to be convincing for the reasons of record and above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven L. Weinstein whose telephone number is 571-272-1410. The examiner can normally be reached on Monday-Friday 7:00 A.M.-2:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steve Weinstein/
Primary Examiner, Art Unit 1794